

From: Carlos Guevara
To: Microsoft ATR
Date: 1/26/02 8:14am
Subject: Microsoft Settlement

To whom it might concern:

Through this note I would like to express my concern that many special interests are trying their best to derail this settlement, in detriment of the economy, the private enterprise and innovation in general.

It is my humble opinion that these same parties are involved in a double standard, pushing for a company to be punished for the same things that they do on a daily basis.

For example, NETSCAPE started the process of bundling things that had nothing to do with each other when they started bundling a WEB BROWSER, with an e-mail client (ever wondered what ever happened to clients like pegasus and eudora??) with their 90% market share browser. Or including a WEB PAGE EDITOR with the browser.

SUN on the other hand has been bundling stuff with their operating system for years. Now, don't misunderstand me, I think bundling things for free is a great practice. In the mid 90s, when SUN started bundling a WEB SERVER with their operating system, and a web browser called HOT JAVA (yes, very much like what they complain that MSFT did), it was a way for small development companies, like the one I work at to get access to this resources without having to shell out a large amount of money, which small companies cannot afford in the early stages of their life.

If it wasn't for bundling software, the way MSFT DOES, the cost of using many of the "commodity" software that we take for granted now would be much more expensive, and that would not be good for the consumer or for the large industry that is software development. In fact, there are LAWSUITS against MSFT about how much they charged for operating systems, when people like NOVELL, SUN and IBM have charged for years thousands of dollars for their different operating systems (that by the way could be available for free like BSD and LINUX have demonstrated). But it is NOT ok to charge 299 dollars for an operating system from MSFT, that also includes a web browser (Netscape wanted to charge \$49 for the most basic browser), and a web server (Netscape wanted to charge 1000 for their most basic server), mail client, media player (Real Networks charges \$19 for their most basic client).

As a software developer I CAN ASSURE YOU, that even though MSFT started bundling their browser since version 2 (IE 2.0) on Windows 95, it wasn't until version 4.01 that I started to consider it as an alternative to Netscape. Even though I had to pay 49, 69 and up to 79 dollars for the NETSCAPE browser, I (and most other people, since it wasn't until version 4 that the market share for IE started to close the gap with Netscape) because

it was better. I didn't stop using Netscape because it cost money, I stopped using it when it didn't become the best web platform.

I know for a fact that the software company that I work for, as many more in the industry, would not have survived if we had to do business in an environment where we had to let people like SUN, ORACLE and NETSCAPE to dictate the way of doing things. As a developer, I have seen an industry of products that work around the MSFT platform thrive. Just look at the number of companies that work with MSFT's platform and compare it to the number of companies that work with ORACLE and SUN. You will see that in that last environment, only BIG players can get in the door. In fact look at some of the products that MSFT has bundled in their operating system for years, and because those products are not as good as the competition, there is still a huge market for those tools, like Anti-virus protection, disk defragmenters and the such. MSFT has bundled a disk defragmenter with every version of Windows since Win 95, but still companies like Symantec, DiskKeeper and others have products that are far better and are still in business.

So to conclude, let those companies that want to fight MICROSOFT do it on the business field, like Symantec and DiskKeeper, RealNetworks and many others are doing, and not on the JUDICIAL field where NO ONE WILL COME OUT THE WINNER.

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